Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-14 and 27-39 are pending in the application, with 1, 14, and 27 being the independent claims. Claims 15-26 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection to the Specification

The Examiner has objected to the text at page 41, paragraph [0178] of the specification for including "signals 1728 in the definition of computer program product, thereby potentially resulting in the computer program product of claims 27-39 covering non-statutory subject matter." *See* present Office Action, page 2. Although Applicants do not acquiesce to the propriety of the objection, Applicants nevertheless amended the specification to address the issue identified by the Examiner. Accordingly, Applicants respectfully request that the objection to the specification be reconsidered and withdrawn.

Claim Objections

The Examiner has objected to claims 27-39 for using the term "means" where "no structure is disclosed for performing the recited functions." *See* present Office Action, page 2. Applicants respectfully traverse.

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In paragraph [0179] of the specification, the structure of a computer program product, with computer control logic stored thereon, is recited as enabling a processor to perform the features of the present invention. This is at least one example structure described in the specification for performing the recited functions of claims 27-39. Accordingly, Applicants respectfully request that the objection to claims 27-39 be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 4, 5, 10-15, 18, 19 and 24-27 under 35 U.S.C. § 102(e) as being anticipated by Carr. For the reasons set forth below, Applicants respectfully traverse.

Independent claim 1 is directed to a method for classifying a data packet in a network interface. The method includes the steps of:

(a) receiving a plurality of classification parameters;

(b) generating a plurality of program modules, each of said plurality of program modules for testing for adherence to at least one corresponding classification parameter;

(c) receiving the data packet;

(d) generating a header, said header indicating whether one or more predefined fields are present in the data packet and identifying a location of said one or more predefined fields in the data packet when present;

(e) executing each of said plurality of program modules, wherein each of said plurality of program modules receives said header and generates a test result based on contents of said header and contents of the data packet; and

(f) processing the data packet based on said test results from said plurality of program modules.

Carr does not teach or suggest each and every one of the foregoing steps of claim 1. For example, as will be explained below, Carr does not teach or suggest at least "generating a

header, said header indicating whether one or more predefined fields are present in the data packet and identifying a location of said one or more predefined fields in the data packet when present."

Carr is directed to a method and apparatus for packet classification that stores "rules" or parameters for classifying the packets in a memory structure, such as a DRAM. *See* Carr, col. 2, ll. 32-33 ("The rules or parameters for classifying the packets are stored in a memory structure."). The purported benefits of storing the classification parameters in a memory structure include the ability to store a large number of parameter sets and easy modification and selection of the parameters for classification purposes. *See* Carr, col. 2, l. 57-col. 3, l. 4. Once the classification parameters have been selected, they are provided to a comparison block 50 that includes comparators that perform different types of comparisons between the selected classification parameters and information derived from the header of a packet (termed a "key"). *See* Carr, col. 7, ll. 26-28 ("The comparison block 50 illustrated in FIG. 2 includes comparators that perform different types of comparisons on the information in the key 24 and the rule 42.").

The Examiner alleges that the generation of the "key" in Carr is equivalent to the generation of the header in claim 1. *See* present Office Action, pages 4-5. However, unlike the header of claim 1, the "key" of Carr does **not** contain the "location of said one or more predefined fields in the data packet." The header of claim 1 indicates the location of the one more predefined fields in the data packet, for example, to facilitate "easy lookup" of the pre-defined fields of the data packet. *See* present Application, paragraph [0072]. Carr does not contemplate such a feature. Nor does the Examiner explicitly state where Carr teaches or suggests such a feature.

In the event that the Examiner maintains the rejection of independent claim 1 under 35 U.S.C. § 102(e), Applicants respectfully request that the Examiner, in the interests of compact prosecution, identify on the record and with specificity sufficient to support a case of anticipation, where Carr teaches or suggests a generated header **that includes the location of one or more predefined fields in the data packet**, as recited in claim 1. Currently, the Examiner has failed to identify where in Carr the alleged anticipatory teaching is found.

Because Carr does not teach each and every feature of claim 1, it cannot anticipate that claim. Dependent claims 4, 5 and 10-13 are also not anticipated by Carr for the same reasons as independent claim 1 from which they depend and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 1, 4, 5 and 10-13 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Independent claim 14 is directed to a method for classifying a data packet in a network interface that includes the feature "generating a header, said header indicating whether one or more predefined fields are present in the data packet and identifying a location of said one or more predefined field in the data packet when present." As noted above in regard to claim 1, Carr does not teach or suggest this feature. Therefore, Carr cannot anticipate claim 14. Accordingly, Applicants respectfully request that the rejection of claim 14 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Independent claim 27 is directed to "a computer program product comprising a computer useable medium having computer program logic for enabling a processor in a network interface to classify a data packet". The computer program product includes

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"means for enabling a processor to generate a header, said header indicating whether one or more predefined fields are present in the data packet and identifying a location of said one or more predefined field in the data packet when present". As noted above in regard to claim 1, Carr does not teach or suggest such means. Therefore, Carr cannot anticipate claim 27. Accordingly, Applicants respectfully request that the rejection of claim 27 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Claims 15, 18, 19, and 24-26 have been cancelled by the above amendment. The rejection of claims 15, 18, 19, and 24-26 is therefore rendered moot. Accordingly, Applicants respectfully request that the rejection of claims 15, 18, 19, and 24-26 under 35 U.S.C. § 102(e) be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 2, 6-9, 16, 20-23, 28 and 30-39

The Examiner has rejected claims 2, 6-9, 16, 20-23, 28 and 30-39 under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Synnestvedt.

Claims 16 and 20-23 have been cancelled by the above amendment. The rejection of claims 16 and 20-23 is therefore rendered moot. Accordingly, Applicants respectfully request that the rejection of claims 16 and 20-23 under 35 U.S.C. § 103(a) be withdrawn.

Synnestvedt does not in any way remedy the deficiencies of Carr with respect to independent claims 1 and 27 as discussed above. Consequently, the combination of Carr and Synnestvedt cannot render independent claims 1 and 27 obvious. Claims 2 and 6-9 are not rendered the obvious by the combination of Carr and Synnestvedt for the same

reason as independent claim 1 from which they depend and further in view of their own respective features. Claims 28 and 30-39 are not rendered obvious by the combination of Carr and Synnestvedt for the same reason as independent claim 27 from which they depend and further in view of their own respective features. In view of the foregoing, Applicants respectfully request that the rejection of claims 2, 6-9, 28 and 30-39 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 3 and 17

The Examiner has rejected claims 3 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of U.S. Patent No. 6,570,884 to Connery *et al.* ("Connery).

Claim 17 has been cancelled by the above amendment. The rejection of claim 17 is therefore rendered moot. Accordingly, Applicants respectfully request that the rejection of claim 17 under 35 U.S.C. § 103(a) be withdrawn.

Connery does not in any way remedy the deficiencies of Carr with respect to independent claim 1 as discussed above. Consequently, the combination of Carr and Connery cannot render independent claim 1 obvious. Claim 3 is not rendered the obvious by the combination of Carr and Connery for the same reason as independent claim 1 from which it depends and further in view of its own respective features. In view of the foregoing, Applicants respectfully request that the rejection of claim 3 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

<u>Claim 29</u>

The Examiner has rejected claim 29 under 35 U.S.C. § 103(a) as being

unpatentable over Carr in view of Synnestvedt and further in view of Connery. Neither

Synnestvedt nor Connery in any way remedy the deficiencies of Carr with respect to

independent claim 27 as discussed above.

Consequently, the combination of Carr, Synnestvedt and Connery cannot render

independent claims 27 obvious. Claim 29 is not rendered the obvious by the

combination of Carr and Connery for the same reasons as independent claim 27 from

which it depends and further in view of its own respective features. In view of the

foregoing, Applicants respectfully request that the rejection of claim 29 under

35 U.S.C. § 103(a) be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed,

accommodated, or rendered moot. Applicants therefore respectfully request that the

Examiner reconsider all presently outstanding objections and rejections and that they be

withdrawn. Applicants believe that a full and complete reply has been made to the

outstanding Office Action and, as such, the present application is in condition for

allowance. If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone the

undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully

requested.

Respectfully submitted,

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